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STATE OF ALABAMA
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Honorable David B. Starnes
Executive Director
Board of Cosmetology
100 North Union Street, Suite 320
Montgomery, Alabama 36130

Cosmetologists - Barbers – Barbershops
- Cosmetology Board

The Alabama Board of Cosmetology has no authority in its practice statute to limit the activities of barbers. It can, however, regulate the activities of any place that provides cosmetology services.

Dear Mr. Starnes:

This opinion of the Attorney General is issued in response to your request on behalf of the Alabama Board of Cosmetology (Board).

QUESTION 1

(a) In a Board of Cosmetology-licensed salon, can a barber registered with a County Barbering Commission work alongside the licensed cosmetologist, even though the salon does not have a barber's license?

(b) Alternatively, can a barber work in a Cosmetology-licensed salon in a county that does not require a barber's license?

FACTS AND ANALYSIS

The Cosmetology Act, codified as section 34-7A-1, *et seq.*, of the Code of Alabama, does not authorize the Board to regulate or limit the practice of barbers. Barbers are specifically exempted from the coverage of the Cosmetology Act. ALA. CODE § 34-7A-19(3) (Supp. 2001). Barbers, however, must still comply with section 34-5-1, *et seq.*, of the Code of Alabama.

The barber exemption from the Cosmetology Act applies regardless of whether the barber is practicing in the county with a license requirement. Barbers are specifically excluded from the regulation of the Cosmetology Act. *Id.* Therefore, barbers can work with licensed cosmetologists in a salon that does not have a barber's license in any county in the state. The Board of Cosmetology has no authority to regulate the activities of barbers practicing at any location.

CONCLUSION

The activities of barbers and the establishments, i.e., barbershops, in which they practice are outside of the regulatory powers of the Board of Cosmetology. This is true for barbers in all counties in the state.

QUESTION 2

Can a Board of Cosmetology-licensee perform acts of cosmetology within a barber-shop that is not registered with the Board of Cosmetology, avoiding the regulation of this Board?

FACTS AND ANALYSIS

A Board of Cosmetology-licensee cannot perform acts of cosmetology within a barbershop that is not registered with the Board. A cosmetology salon is defined as "[a]ny place wherein cosmetology or any of its practices are followed." ALA. CODE § 34-7A-1(10) (Supp. 2001). The Cosmetology Act is focused on the conduct of the salon and its

employees and not how it holds itself out to the public. Therefore, if a licensee working in a barbershop provides cosmetology services, that place of business must comply with the requirements of the Cosmetology Act, and the Board has the authority to regulate these establishments.

CONCLUSION

The Board of Cosmetology can regulate the activities of any place that provides cosmetology services. This regulation includes barber-shops performing acts of cosmetology.

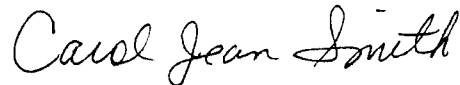
I hope this opinion answers your questions. If this Office can be of further assistance, please contact Matthew Beam of my staff.

Sincerely,

WILLIAM H. PRYOR JR.

Attorney General

By:

A handwritten signature in cursive script that reads "Carol Jean Smith".

CAROL JEAN SMITH

Chief, Opinions Division

WHPjr./CJS/MB

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